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ABSTRACT

To help school districts develop contingency plans for teacher strikes, this guide provides background material and suggests methods for building a strike plan. Following a listing of contributors and a short introduction, there is a brief history of collective bargaining and teacher strikes. A general discussion on developing, preparing, and implementing a strike plan then precedes a lengthy description of a strike plan. Included in the strike plan are a planning committee, building security, law enforcement, utilities, supplies, insurance, communications, documentation, athletics, guidelines for building administrators, a decision-making center, board member responsibilities, and tactics to expect from teachers. Activities after a strike--involving the public, former strike leaders, and the board--are examined in the following section, and four basic rules are suggested. The use of a management crisis support team is next touched on. The guide's discussion of a communications plan includes audience analysis, message content, a communications calendar, and internal publications. Necessary data and legal requirements for injunctions are explained before a closing summary. Exhibits appended include a sample warning letter to teachers, a sample board resolution on disciplining employees, a strike checklist, and suggested reactions to "sickouts." (RW)

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STRIKE MANUAL

EA 015 419

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American Association of School Personnel Administrators

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STRIKE MANUAL

A Report of the
Employee Relations Committee
American Association of School Personnel Administrators

Published by the
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FOREWORD

The increasing frequency of severe school district-teacher confrontations is obvious to all who are familiar with education in America. Always disturbing, it becomes particularly traumatic when it culminates in a strike.

In many states, strikes by public employees are prohibited by law. Experience has shown us that prohibitive legislation has not prevented strikes from occurring. A school district should assume that a strike can and will take place when the union feels justification for such action.

The impact of a strike by teachers differs in many ways from a strike in the private sector. In the private sector, a strike presents an economic hardship on both parties. The company loses money by the absence of product sales and the workers have a loss of income.

In the public sector, the school district does not make any profit when the teachers strike, but they do not lose money either. Taxes are still collected, state and federal funds are normally available. The teachers suffer a temporary economic setback during the strike as a result of deferred pay. But, as a rule, they will make up the prescribed number of days required by law and experience has shown that additional make-up days usually have been negotiated as part of the strike settlement.

The disruptive effects of a strike can be significantly diminished if the employer is familiar with his rights and obligations under the law and is prepared for the crisis.

Therefore, the purpose of this manual is to provide background material and suggested methods for building a strike plan. It is a summary of alternatives for handling the major problems faced by a district during a strike. This is not intended to be the strike plan; it is a guide to a district that is developing its own strike contingency plan.

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INTRODUCTION

Teachers call it a "job action" or the "withholding of services." To them this is a nice professional phrase but, in reality, it is a STRIKE. Strikes or work stoppages take on many forms such as mass sick-outs, work by the book or rule, limited sick-calls at selected work sites, slow-downs, and walkouts. A strike is just a union negotiations tactic to force management closer to the union's bargaining positions. It is a temporary stoppage of work.

One of the most effective uses of the strike by a union is to threaten it and to play upon management's fear of it. School boards, and their administrators especially, fear that the public will become angry over a strike, as well as fearing the disturbance of their routine world and the inconvenience of not opening school at its traditional time.

The school employee strike is feared by management since it also can "hurt" kids, costs money and time and affects morale long after it is over.

The best method of effectively thwarting strikes is through successful collective negotiations and the adoption of strike prevention techniques. This paper will not theorize on the why of strikes, but it assumes there will be strikes.

Legal sanctions, such as injunctions and imprisonment, have not necessarily discouraged employee strike activity. Also, many boards, after an illegal strike, have pardoned the school employees in the interest of peaceful relations. Whether legal or illegal, the impact of the strike is felt.

We encourage boards and administrators to become prepared to handle the strike situation. Each will have to know how to react rationally, no matter if strikes are legal or illegal. The strike is the ultimate weapon of unions and the threat of one is just another crisis that has to be faced by management.

The Employee Relations Committee of AASPA recommends that school management adopt these attitudes when faced with an employee strike:

1. We (the board of education and its administration) will win the strike. During the negotiations preceding the strike, management made compromises in hopes of a settlement. During the strike, management's areas of compromise should be much less than before the strike. If this posture is not taken, the union's use of the strike as a bargaining tool to gain concessions from management would be reinforced. Management will face more strike threats and strikes in the future if it caves in to the use of the strike as a union negotiations tool. The final settlement should be close enough to the board's last position, prior to the strike, to discourage future ones. Usually, the actual use of the strike as a weapon is the union's last card to play during negotiations.

2. Management should not be defensive about its negotiations posture

and/or its final position at the bargaining table prior to the strike. The union will try to make management the scapegoat in a strike situation. It will launch a P.R. campaign stating that management bargained in bad faith. Management should have a P.R. program ready before a strike begins. Management should act and let the union react to its P.R. campaign.

3. Management should be prepared to weather a long strike. One of the worst actions by management is to take a firm stand on negotiations issues and "cave in," after one or two days of a strike. If the board is going to give in to the pressure after just one or two days of a strike, it can gain more by doing it prior to the strike.

4. Management is prepared to deal with the strike. Management has to be determined but calm during a strike situation. Its public meetings must be well organized and controlled. It should have developed a strike plan long before it ever has a strike.

With this introduction, AASPA's Employee Relations Committee hopes that all personnel administrators will start the process for the development of a strike plan in their local districts. We hope what follows will be of assistance in that planning.

A SHORT HISTORY OF COLLECTIVE BARGAINING AND TEACHER STRIKES

Public sector teacher strikes are occurring more and more frequently. In the school year 1960-61, when public school collective bargaining was in its infancy, there were three teacher strikes. During the first half of the 1970s, there were an average of 122 teacher strikes each school year. Both the N.E.A. and the A.F.T. endorse strikes as a bargaining technique, and both support federal and state legislation that would give teachers the right to strike. To understand teacher strikes, the history of the collective bargaining process in the private, as well as public sector, needs to be reviewed.

When workers in private industry first used the strike as a weapon in their dealings with management, they were exercising the only power they had--the power to shut the employer's business and force attention to their demands. The strike was and is a powerful weapon. The story of labor dissatisfaction in industrial strike forms an important chapter of nineteenth and twentieth century American history. Low wages and bad working conditions lead to a revolt by workers, who demanded not only better wages and working conditions, but also a voice in the industrial economy on which their livelihoods depended. Eventually, after years of struggle, employers were forced to agree to collective bargaining, a system in which the employer meets with the employee representatives to negotiate an agreement on such conditions as wages, work hours, and benefits. In 1935, Congress enacted the National Labor Relations Act (N.L.R.A.) which requires that private employers (with certain exceptions) recognize employee representatives and bargain collectively with them. The federal law was intended to restore industrial peace and to allow workers to participate in the decisions affecting their own employment. It also served to increase the union's political effectiveness and to reduce the employer's ability to control the labor market by controlling labor conditions.

The benefits of collective bargaining were extended to public employees in the federal government in 1962, when President John F. Kennedy signed executive order 10988, permitting employees of the federal government to join an employee organization and requiring the employing agency to recognize the representative organization and to negotiate with it an agreement "with respect to personnel policy and the practices and matters affecting working conditions." Wages and fringe benefits do not form part of the negotiations because they are set by Congressional action. Other limitations are set on negotiations which protect the right of agency officials to manage and direct employees. The impact of the executive order was to require that certain employee rights be extended to these employees by the federal government. The rights included:

1. The right of employees to join organizations of their choice.

2. Organizations could be granted informal, formal or exclusive recognition.

3. The executive of the agency is required to meet and confer with respect to personnel policies and working conditions.

4. Advisory arbitration and grievances arising under the operation of

agreements resulting from such meet-and-confer sessions must be provided for.

The order further established that any organization that asserts the right to strike against the government and organizations that discriminate in any form against any employee must be denied recognition. Once this order was enforced, there was rapid movement in developing collective bargaining in federal employment. As employees indicated their wish to be represented collectively, unions of government workers flourished.

While public employer organization and bargaining were not unknown before 1962, the issuance of executive order 10988 opened the door for state governments to enact laws with respect to collective bargining for public employees at the state and municipal levels, including employees of the public school system. At least thirty-five states have enacted such laws. Although most are patterned on the federal N.L.R.A. they vary enormously in scope and strictness. Public employee organization and collective bargaining exists without statutory sanctions in the remaining states. Only one state, North Carolina, expressly prohibits such labor activity in public employment; in another, Virginia, a court has determined that a negotiated contract is valid.

As the opportunity for public school employees to organize and bargain collectively has increased, so have the organizations that represent them. Teachers form the largest group of school employees, and most of them belong to one of the two major national teacher organizations, both of which are powerful forces in public school labor management relations. The National Education Association (N.E.A.) has close to 2 million members, some of them administrators and supervisors; and the American Federation of Teachers (A.F.T.), close to half a million. The N.E.A. began as a professional association, while the origins of the A.F.T., which belongs to the A.F.L.-C.I.O., were in the union movement. A recently organized and far smaller group, the National Association of Professional Educators (N.A.P.E.) is opposed to compulsory union membership for teachers.

Members of Congress have made several attempts in recent years to enact into law various forms of the National Public Employees Relations Act which would extend the collective bargaining rights of N.L.R.A. to public employees to establish a parallel system of collective bargaining for public employees. The proposal, which is strongly supported by the N.E.A. and the A.F.T., would grant public employees the right to engage in collective bargaining and in other "concerted activities for mutual aid and protection," essentially, the right to strike. However, a 1976 decision of the Supreme Court, National League of Cities v. Usery, cast doubt on the constitutionality of control over state and public employment relations, and pressure for a federal law has eased.

In recent years, there have been approximately 125 strikes on the average. Most of these strikes do not exceed ten days in any school year. However, there are some extreme exceptions to the maximum duration of school strikes. Perhaps it can be argued that, with 16,000 school districts in the United States, 125 strikes or so per year do not constitute a major concern. On the other hand, school systems experiencing strikes most often tend to be those in large cities already beset by a wide range of fiscal administrative

problems. A teacher work stoppage in a large city can have significant economic and political consequences completely apart from the scope of the contract that is ultimately signed. In short, all statistics aside, a teacher strike is a significant event in the public affairs of any municipality, and the subject deserves the careful consideration it usually gets in a discussion of labor relations in the schools.

Teacher strikes are illegal in most states. It is clear that public employees have no constitutional right to strike. In order to have a legal strike, therefore, the legislature of each state has to grant the right by statute. Most states, however, have expressly forbidden public employees, including teachers, from striking. A few states allow some public employees to strike but only after certain conditions are met. Teachers, along with police and firefighters, are sometimes excluded from these right-to-strike laws on the grounds that a strike by them would threaten public safety. Nonetheless, some states have legalized strikes by teachers and commentators have discerned a movement in this direction by other states. (See exhibits.)

At present, seven states--Alaska, Hawaii, Minnesota, Oregon, Pennsylvania, Vermont, and Wisconsin--have enacted legislation that grants some categories of public employees the right to strike. Court decisions in two additional states--Montana and Idaho--have upheld the right of some public employees to strike. In the wake of permissive legislation, and the tremendous upsurge in the unionization of public employees in the past twenty years, there has been a substantially greater increase in the number of strikes by government employees. Whereas, in 1960, there were just a few public employee strikes resulting in approximately 7,000 lost days of work, in 1976 there were approximately 400 public employee strikes resulting in approximately 2 million lost days of work. In recent years, the number of working hours lost to strikes across the country have shown a slight increase, but job actions decreased from 553 in 1979 to 502 in 1980. Generally, states with fewer total workers or fewer union members have reported fewer strikes. No strikes were reported for Iowa, Kansas, Nevada, New Mexico, Oklahoma, South Carolina, South Dakota, Utah, Vermont and Wyoming. This startling increase in the number of public employee strikes and the resulting inconvenience which they have caused countless communities has focused attention on the pitfalls of legalizing public employee work stoppages. Only an overall inquiry into the multi-faceted problems that give rise to public employee strikes can hope to yield workable solutions which will ultimately reduce the number of such strikes.

DEVELOPING AND PREPARING A STRIKE PLAN

Strikes are similar to fires, floods and other natural disasters; no one wants them to happen, but they do. In the past, school districts have been able to solve their employee relations problems without fear of strikes, sick-outs or other work stoppages. Unfortunately, this is changing and the threat of militant employee organization activity is more and more likely in each school district.

Just like a disaster plan, every district, regardless of size, should have a strike contingency plan. Preparation for a work stoppage must be made in advance. It is too late to plan for a strike when the district is sure it is going to happen. By that time, the employee organization has made its plans and will be able to call the shots. Even in small strikes involving only a few employees, the local organization will receive help from national, state and other local organizations. These other organizations will provide professionals who are experts in public relations, negotiations, picket line organization and sabotage. A school district that has not planned in advance is no match for such an organization.

Generally, a school employee strike just doesn't "happen" without prior warning, though there are some spontaneous work stoppages on record. Administrators who get caught without a carefully developed "strike plan" just haven't been paying attention to the tenor of the times or the situation in their own school systems.

In fact, even in the most tranquil of school settings, the district management and administrative team should have a carefully developed strike plan ready to put into action. More than one district has been surprised with an employee strike.

Each administrator, as well as each member of the board of education, should be thoroughly briefed and familiar with the applicable state law regarding work stoppages. Such laws vary from state to state, although all states have some prohibition against strikes by public employee groups.

Managing schools during a strike, like running any system, requires a carefully conceived and executed plan with each management team member in that plan clearly understanding his or her function and possessing a commitment and responsibility to carry it out.

The scope, extent and sophistication of a strike plan depends upon the size of the district; but it is extremely dangerous to underestimate what might occur during a strike in even the smallest or most rural school district. Some of the most volatile strikes involving the use of force and violence have occurred in just such districts. Although it is a broad generalization, the real key to managing a strike situation is communication. Striking groups will attempt to disrupt, or at least confuse, the communication process as much as possible. A well-conceived plan will take this into account and have contingencies to cope with such attempts.

The key to success in handling a strike is preparation. Districts that refuse to face the possibility that the employee organization will call a

strike or refuse to believe that district employees will break the law and go on strike are doing the students and parents of their community a tremendous disservice.

The fact that a district prepares in advance for a strike may, in fact, prevent the strike. In planning a strike, organization leaders have to assess their changes for success. If district management can convince them that the schools can be operated successfully during a strike or can convince organization members that the strike will be long and costly, it may have a sobering effect on their desire to strike. At the very least, advance planning will have a deterrent effect on the organization and may convince some employees not to go on strike.

The most effective time to plan for a strike is long in advance of its occurrence. In the weeks immediately preceding a strike, district management will be deeply involved in budget planning and negotiations. It will be too late by that time to plan effectively for a strike. Ideally, the district should establish a strike plan and then, each year before negotiations, review the plan with top administrators to bring it up to date. Even though a strike may not occur for ten years, if it should occur, management will be so familiar with the plan that implementing it will be second nature.

Proper preparation and planning for a strike obviously provides management with the tools to handle a work stoppage. Another important aspect of strike preparation is that it tends to remove any mystique associated with strikes.

Records are readily available on the number of strikes actually called; however, we have no data base to indicate the number of threats of strike. It is this threat of a strike that often extracts from management more concessions than the actual strike itself.

Therefore, the two most important reasons for developing a strike plan are to provide a contingency course of action for operating the business at hand and to provide and instill confidence in the negotiating team and the board of education.

As the board of education gears up for contract negotiations, it is recommended that the board receive legal counsel relative to existing statutes regarding work stoppage and dovetail legal relief with board attitudes. The board of education can review in an objective manner, without the pressures of eleventh hour decisions, the ramifications of a strike and review alternates of resolution, such as shall the board (a) negotiate its way out; (b) seek injunctive relief; (c) invoke statutory resolution; or (d) attempt to conduct business as normal, using substitutes.

Should the board as employer elect to negotiate its way out (i.e., do nothing about the strike), it may wish to explore its vulnerability relative to parental litigation for not providing services.

If the board operates on the premise that the strike is illegal, it could take recourse in serving an unjunction. To date, courts have been reluctant to entertain the concept of injunctions where the strike has not had a duration of more than three weeks. The length of the strike is an important ingredient in the injunction because it is the responsibility of the employer

to show that the strike is causing irreparable harm to students and, to date, the segment of students to whom irreparable harm is most easily done is special education students. History indicates that, in the injunctive procedure, boards of education and their negotiating teams have been involved in "chamber" negotiations (i.e., locked up at the discretion of the judge), which is not necessarily the best process.

Should the board of education be successful in having courts grant the injunction, there still remains the concept of enforceability. The injunction, once granted, must then be served on each teacher. This process has, in the past, been very difficult and very expensive to conduct. Should a teacher not honor the injunction, he or she is then in contempt of court and subject to whatever relief is granted by the judge, be it jailing or a fine.

Should the board of education elect statutory relief via existing laws (illegal work stoppage), this procedure requires the employer to first identify that there has been an illegal strike. This is normally accomplished by the board of education's identifying the opening day of school and indicating to the employee group their requirement to report on the date designated by the board. Failure to report determines the factual substance of the strike. It is normally recommended that boards of education give due and proper notice to the employee group that its members are required to be on duty on such a date and that failure to report will be grounds for disciplinary action.

Case history indicates that when boards of education take a statutory relief course of action, normally an unfair labor practice charge is failed simultaneously by the union and, as a consequence, there will exist an injunction by the union to hold in abeyance the disciplinary action relative to the employee group members until the injunction has been resolved. Boards should not resist this injunction, for in fact it has been served by the union and normally would include the employees' agreement to return to work while negotiations continue and the unfair labor practice charge is processed through resolution.

Whatever plan for dealing with work stoppage is adopted by a particular school district will naturally depend upon a number of variables that exist in that particular district. Based on the premise that there are "different strokes for different folks," the following strike plan guidelines should be reviewed and edited for additions or deletions consistent with specific board philosophies before dissemination or implementation.

STRIKE PLAN

A. PLANNING COMMITTEE

The planning committee will be charged with the responsibility of determining what to do and who will do what if a strike should occur. This committee should be composed of a practical number of administrative representatives from throughout the district. From this committee, a chain of command for decision making and communication must be established.

B. JOB ASSIGNMENTS

1. Designated Spokesperson

- During the course of work stoppage, only one (1) person should speak for the district. This individual is normally the superintendent.

2. Board Members

- The board must be unified in a strike situation.
- Any and all publicity from the board must be from one (1) designated source, i.e., the superintendent.
- Each member, in dealing with the public, must give out facts as released to them, by the designated spokesperson.
- Board members must constantly be apprised of the situation.
- The board must meet as necessity demands to review and establish priorities relative to contract demands.

3. Superintendent

- Maintain and communicate with all board members regarding both the strike situation and any progress in negotiations.
- A designated spokesperson makes any and all public relations releases.
- Continue in chief executive role relative to other non-striking personnel.

4. Principals and/or Supervisors

- Keep an accurate and complete account of all activities on the school grounds and in the building during the strike.
- Make arrangements for receiving students, alternate instruction program, crowd control.

- Keep record of the names and descriptions of all people contacted regarding the strike.

- Keep record of the number of people gathering, the identity of those known, and description of others.

- The number of cars, make, models and license numbers, should be noted if possible.

- Record any other specific details that help describe the situation.

- Submit a daily report that identifies all employees and students who reported to work or class in their assigned building and/or department.

- Must be fully informed of the strike situation at all times by attending at least daily briefings, either early morning or late afternoon.

- Must avoid engaging members of the bargaining unit in discussion of the strike situation.

- Must establish ground rules so that non-striking personnel in the building know specifically what their job requirements will be for each day of the strike.

- Provide non-striking personnel in the building with information of the strike and receive the same information as provided for the general public.

- Should be provided with the telephone number and name of the person to call to report on attendance and the general situation.

5. Administrative Staff

- Report to work to their respective buildings and/or positions.

- Be fully informed at all times.

- Avoid engaging members of the bargaining unit in conversation on the strike situation and maintain absolute silence on matters concerning the strike.

6. Non-certificated Personnel

- Will be expected to report to work until notified otherwise.

- Must receive essentially the same information that other non-administrative staff members and the general public receive.

C. BUILDING SECURITY

- Take appropriate measures to insure maximum security for all buildings,

even to the extent of requiring twenty-four (24) hour building surveillance.

- Take appropriate steps to safeguard confidential records in all installations.

- Provide protection for all non-striking employees in such matters as crossing picket lines.

- Insure that all building administrators have the know-how to shut down and secure their buildings.

- Allow no striker to enter any building.

- Do not allow community use of facilities.

D. LAW ENFORCEMENT AND SAFETY

- Notify all law enforcement agencies before the strike occurs and discuss with them all possible troubles. This includes the local police and sheriff departments.

- Notify the local fire chief and alert him to the strike situation.

- Check and secure fire extinguishers in all buildings.

- Review bomb threat procedures.

- Notify township supervisor and/or city manager and/or mayor of the pending strike situation.

E. UTILITIES

- Notify all utility suppliers of pending strike and identify contact person and/or procedure to report vandalism and/or sabotage.

F. SUPPLIES

- Prepare for the handling of delivered perishable goods and address the question of continuation of future deliveries.

G. OUTSIDE CONTRACTORS

- If sub-contracting work is in progress on the premises, arrangements must be made to continue or discontinue the work.

H. PROPERTY AND LIABILITY INSURANCE

- Review with the insurance agent liabilities relative to personal property damage during a strike situation.

I. PUBLIC RELATIONS

- All public relation releases should originate from one (1) source, i.e., designated spokesperson.

- Parents and students should be notified of the policy on school closings or remaining open and other pertinent information.

- Information released via the press, radio or T.V. should be factual and should represent the honest position of the board of education.

- A complete file of news releases, flyers, handbills and letters issued by both sides should be kept for future litigation, discussion, etc.

- An accurate, detailed, chronological log of everything that happened before, during and after the strike, should be kept. A special comprehensive record of picket line activities should also be kept. This will include answers to such questions about the picket lines as where? when? what type? how many? and who?

- After the strike, keep your public relations at work by regular releases to keep the community informed of school events and other matters of interest.

J. COMMUNICATIONS AND MAIL

- If picket lines are in operation, the post office may not make a mail delivery; therefore, you should make arrangements to have the mail picked up.

- There should be only one (1) person responsible for all communications--one (1) spokesperson who issues public relations releases.

- Only the superintendent will communicate with board members and the board members will communicate (regarding the strike) only with the superintendent.

- The board of education must be kept fully apprised of all facts and positions on both sides of each issue.

- Develop a regular system of news releases, recorded telephone messages, public meetings, T.V. and radio, to inform the community of conditions and any changes in the conditions.

- Remember, non-certificated employees are interested members of the community and should be kept current on the strike situation by receiving timely written information.

- Develop secondary measures of telephone communication in the event striking employees jam the regular lines with telephone calls.

K. DOCUMENTATION

- Document all events occurring on the picket line and any other areas, during the entire strike situation.

- Principals and supervisors of all buildings should keep an accurate and complete log of all activities on the school grounds and in the buildings, during the strike situation.

. Information relative to the number of people gathering, the identity of those and the description of others, should be noted along with any other details that help to describe the situation.

L. ATHLETICS AND OTHER PROGRAMS

. You must formalize a plan as to what you will do about all scheduled activities such as workshops, adult education, plays, and athletic events. If cancellation appears to be inevitable, timely notification to all concerned is important.

M. OTHER CONSIDERATIONS:

. Involvement of Central Building Staff

Generally, the superintendent will be the logical spokesperson and the coordinating leader of the administrative team at a time of district-staff crisis. But, certainly, he should not attempt to carry the whole load. Wide administrative involvement, always desirable, is particularly important at such a time because of the unusual need for competent assistance.

Frequently, it will be desirable to develop a temporary modification in administrative assignment at this unusual time. It may be necessary to curtail or suspend some activities in order to provide adequate coverage of new and pressing matters.

The central administrative staff and building administrators, alike, should be fully involved in the development of any temporary reorganization. The modified roles each must assume should be cooperatively developed. The new lines of responsibility should be clearly defined and consistently followed.

Emphasis must be made on the significant role of the principal in all staff relationships. At a time of dissension this role becomes a crucial one. The skill of principals in interpreting to teachers the district's legal and financial limitations may be the prime factor in averting a work stoppage. If an actual withholding of services is called, the principals' rapport with their teachers and their effectiveness in interpreting the district's stand may cause many teachers to remain on the job despite an announced work stoppage.

Principals, therefore, should be completely involved in decision making relative to possible district action. The necessity for the maintenance of a uniform approach in a time of great stress may temporarily minimize building-level autonomy of action. Yet, the principal should continue as a key planning figure. Generally, it will be desirable to develop contingency plans for each building as well as for the district. Obviously, the principal must give leadership to such activity. However, any decision to close a school should be made at the district level. Certainly the principal's point of view should be considered in making that decision.

The loyalty of each principal, and his ability to operate under stress, should be carefully appraised by the superintendent and his immediate staff. A principal unable or unwilling to serve as part of the administrative team will undermine the district's efforts.

N. GUIDELINES AND PROCEDURES FOR SCHOOL BUILDING ADMINISTRATORS DURING A STRIKE

1. All administrative personnel will report for work at their buildings, as usual, unless otherwise requested.

2. All administrators shall restrict their conversations and comments on the strike strictly to the bargaining issues on which the parties are negotiating. Administrators will be kept informed and up to date on the status of such issues as currently as possible.

3. Employees who report for work on the first day of any strike are to be admitted to the building and advised that they will be paid for a portion of the day as determined by the administration. Initially, a telephone report of employees present will be made as soon as possible after the time for the regular workday begins for employees. Special forms should be provided for the written report which will be delivered to the appropriate administrator at the end of each day. A second telephone report of attendance of employees at work will be made immediately after the lunch hour.

4. The merits of the strike or your opinions on the advisability of reporting to work should not be made to any employee, except for the simple statement prior to the decision for a shutdown, "All employees are expected to report to work as usual." Any further comment may be construed as pressure on a subordinate employee.

5. All school buildings will be locked to all striking employees at all times and provision made for admitting non-striking employees.

6. All non-striking personnel will be expected to cross association/union picket lines. This should be done without fanfare.

   The picket line should be approached, and if anyone bars your way for any reason, you should identify yourself and say, "I would like to get into the building. I am reporting for work." If the way is still obstructed, you should not attempt forcible entry but rather report to the administration building or go to the nearest telephone and call your immediate supervisor. The police will be requested to assist you in gaining entrance to the building. If it is at all possible, the names or at least the descriptions of those barring the entrance should be noted as accurately as possible.

7. The building administrators will keep an accurate and complete account of all activities on the school grounds during the entire strike situation. This record should include the names or descriptions of all persons you have contact with and such other information as the number of pickets, the number of cars, make, model and license number, and other specific details that help to describe

the situation or identify those involved. This report is to be delivered daily to the designated administrator. Any unusual situations or incidents are to be reported by phone immediately to the strike manager.

8. At the end of each workday during the strike situation, principals will arrange for the security of their buildings. This will include locking all doors and especially the office doors and, if possible, office file cabinets and desks.

9. Parents calling the schools should hear the same report. On the second and subsequent days of a strike, the principal and/or secretary should state that there is a strike and that students are to remain at home (assuming that schools are closed).

10. In the event of an employee walkout during the school day, each principal will develop a plan, if necessary, for dismissal of students.

11. On subsequent days of a strike, parents should be told the following:

    "It is our understanding that the employees are still on strike, and all information on when students will return to school will come from the superintendent of schools."

12. After the strike is over, get everything back to normal as quickly as possible.

O. CONSIDERATION OF ADVICE AND ASSISTANCE FROM OUT-OF-DISTRICT SOURCES

A number of school districts have experienced an unauthorized work stoppage. They are generally known or can be identified by the county schools office. In the event of mounting discord, administrators in these districts should be called upon for advice. Neighboring districts will be an important source for the expansion of the substitute teacher list.

The county organization can supply reliable guidance in this critical area of staff relations. As is true for all significant matters, such guidance should be sought before an overt break in relationship develops.

State administrator and state school board associations have competent consultants who are generally available for district assistance. Frequently, these agencies can provide support in a fact-finding or mediation capacity.

As previously stated, districts may elect to employ outside consultants or consulting organizations who are specialists in the field of district-staff relations. Even if outstanding competency exists within the administrative staff, new representation--completely separated from existing tension--may be most desirable.

P. DECISION-MAKING (D-M) CENTER

A strike D-M center should be established. This center should be under the direction of an assistant superintendent or deputy assigned by the superintendent. The superintendent cannot head up the D-M center as he or she will need to have freedom of movement. This will be the nerve center for the duration of the strike and should be equipped to facilitate around-the-clock staffing, unlisted telephones, two-way radios, beeper units, even food services, if possible.

Additional staff in this center should consist of the most trustworthy employees who can efficiently and expeditiously handle incoming messages and who can be relied upon not to leak information. You can be assured that any striking group will attempt to place or seek a "friend" in such a D-M center in order to gain valuable information as to the plans and strategies of the administration and board.

> (If the above sounds overly dramatic or unnecessary, you might consider the fact that the striking group probably has established exactly the same type of command post and, through long experience by state and/or national organizers, has honed its strike procedures to a fine edge.)

The decision-making center is the "response" unit for the principals and the "checkpoint" for the superintendent, negotiator, transportation administrator, and the public information officer.

In a work stoppage situation, the decision-making machinery MUST work smoothly and communication channels must be kept open to the administrative staff, police and fire agencies, necessary state agencies (such as the state department of education and state labor relations office), other affected community and/or state agencies and non-strikers.

Q. THE RESPONSIBILITIES OF AND PROVISIONS NECESSARY FOR BOARD MEMBERS

Individual members of the board of education will be under great stress during a work stoppage. This may include threatening telephone calls, picketing of the board member's home, harassment (including spouse and family members), and personal pressure from strike sympathizers or the general citizenry who may not agree with the board's position.

In the development of a strike strategy, these possibilities should be pointed out to the individual board members and planned for. Board members will need "lead time" to think through alternative actions. In addition, it should be made clear that during the course of a strike it may become necessary for the members of the board to have daily (or even more frequent) meetings. These will cut heavily into normal work obligations and, most certainly, into leisure family time. Often, board members have found it necessary to advise their employers of their public obligation during this time.

Board members must act as a team in a work stoppage. As indicated previously, a divided board can almost ensure a victory for the striking organization. Board members must realize (and the superintendent must

help them realize that, if as individuals they might not completely agree with the majority position, they must respect it and publicly uphold it.

Board members, too, must be willing to rely heavily in such times on the advice and counsel of their legal advisor, negotiator(s), the superintendent, and the public relations officer, as well as abide by the already agreed upon strike plan.

R. WHAT TACTICS CAN YOU EXPECT?

School employee organizations, especially teacher organizations, have almost unlimited resources from state and national organizations at their command in a work stoppage. There are few, if any, school districts which can match in manpower and funds the ability of teacher organizations to flood a district with trained strike organizers, bargainers and public relations personnel. It is not uncommon for a state teacher association to send as many as twenty field staff members into a small or medium sized district to assist in a strike situation. In very large districts, more than a 100 personnel could be made available in a particularly tough and/or sensitive work stoppage. Such is the linkage between local, state and national organizations.

During the first few days of a strike, administrators and boards can expect the teacher organization to inundate the community with statements concerning the reasons it is striking. With the resources of the state and national offices at their command, the local organization will be able to issue handbills (to be passed out in shopping centers, on street corners and door-to-door by striking teachers), take out advertisements in the local press (many of these ads will already be in draft form, having been used in other strikes and needing only the name of the striking and community changed) and specially tailored spot announcements on radio stations.

AFTER THE STRIKE

Sooner or later the strike will end. A compromise will be reached; the striking employees will return to teaching and the business of educating pupils will resume. It is at this point that the most crucial task of "picking up the pieces" begins.

At the administration-board level, the decision will have to be made as to how to deal with the strikers. If the strike ended in a compromise settlement, as most will, that issue probably was resolved in the settlement. In the event, however, that no settlement was reached prior to the end of the

strike (or the strikers were forced to return under court order) the administration and board may need to decide upon a course of action. (Harsh action now could force the employee group into another strike.)

In the course of reaching a settlement, the employee organization will make demands for a no-reprisal clause. The district negotiator should be cautioned to be extremely careful in the drafting of such language. Normally, employers do not pay employees while they are on strike. The striking employee group, particularly teachers, will attempt to gain an extension of the school year (or to teach the required number of days set by state statute) in order to meet the full contract salary for the year. If the system has successfully stayed open, it does not have to agree to this demand.

An additional settlement requirement should include a clause stating that the striking group agrees not to stage any form of reprisals against pupils, administrators or non-strikers, particularly those members of the striking employee group who did not participate in the work stoppage. Generally, both sides can agree without rancor that any striker who engaged in any violence is subject to disciplinary and/or legal action. Unions, like management, do not condone such activities.

Probably one of the most important items in ending a strike is a thorough understanding by all administrators, particularly those in the buildings, of the terms of the settlement and its applications, including whatever administrative rules and regulations may accompany it.

The chief negotiator (or certainly someone who understands completely the terms of the settlement, not only the words but the nuances and the spirit) should hold a thorough briefing for all administrators in the district prior to teacher return, so they will have a first-hand understanding of the agreement.

The basic problem, however, in any post-strike environment centers around the fact that the people involved have spent weeks, or even months, gearing themselves up for the confrontation of a strike. Consequently, emotions have been riding high. Suddenly, when the strike ends, there is a problem; the problem of "anti-climax." Individuals on all sides of the issue will now require positive outlets for "winding down."

A. THE PUBLIC

The most significant group of individuals in any community is the public. The sympathetic public who supports the strikers, as well as the angry public. The sympathetic public will vent its wrath, not at members of the teacher organization, but at school board members, superintendent or central office administrators who they feel were responsible for the educational disruption.

B. STRIKE LEADERS

Next in line of post-strike individuals who will experience a difficult readjustment will be the responsive strike leaders who may seem to be disappointed by the sudden loss of "limelight" which the end of the strike brings. Administrators can expect this group to thrive

upon a daily revival of what they looked upon as a professional protest action.

For many strike leaders, this experience represented a major recognition granted to them by their community. It is extremely difficult for these strike leaders to return from a "point of recognition"--positive or negative--back to "everyday teacher status." In a work stoppage, a teacher in the status of strike leader can frequently receive more recognition from the community in that role than in his or her role as an educator. This new-found recognition and limelight is difficult to leave behind.

C. SCHOOL BOARD

Perhaps the most difficult readjustment is felt by some school board members whose original high regard for teachers as a professional group has degenerated to enmity, spite and vengeance-to-be-wreaked.

Some school board members may never again look with positive feelings on administrative recommendations which benefit teachers in any way whatsoever. These board members' reactions will be the best argument for a school district to employ a professional negotiator, and thus remove the board member from the frustrations of the negotiations table. Board member negotiators who are not skilled bargainers do not like to lose and frequently cannot or will not forgive and forget.

These same school board members may also react to the public charges that they "gave away the store," particularly if the settlement results in higher taxes. This reaction will no doubt move from an initially defensive position to a public image of "talking tough." Like some members of the bargaining committee of the local teacher organization, such school board members will be intoning the reverberations of the losing coach in the annual sports rivalry: "wait 'til next year!"

Invariably, some school board members in post-strike districts will angrily denounce the deleterious effects the strike had on the education program and the children.

All in all, it is safe to say that when the strike is over, the feelings--deep feelings engendered in people of dedication--are still rampant and preying upon all efforts to put aside a difficult experience.

Knowledgeable superintendents will move quickly to meet these deep feelings of guilt, defeat, victory, anger, envy, hate. The list of emotions is long. He or she knows all too well of the need to refocus differing segments of the educational community from their hard-fought polarized positions to a neutral meeting ground: education of children.

This is a slow process, but it is a process. It must be pursued by the superintendent and all administrative personnel with an awareness that all groups need positive, carefully constructed outlets for winding down.

D. SOME BASIC RULES

The following four rules are excerpted from the Strike Manual published by the Association of California School Administrators and Negotiations Support Services:

1. Forget the Past. District administrators must adopt the attitude that "the strike is over and the issues are settled," even though during the strike their professional and personal lives were disrupted. The best thing is to forget the past and concentrate on the students. All administrators should be instructed to refuse to discuss the strike or any of the issues in the strike. And they should try to discourage any debates on the strike among staff members and students. Most immediate reference to the strike should be a letter from the superintendent announcing its end and the terms of settlement and expressing a wish that the schools return to normal.

2. Separate Strike Replacements from Strikers. If the district has hired substitutes to replace strikers, they should keep the substitutes separated from returning strikers. One district made the mistake of settling the strike in the early morning and allowing both substitutes and strikers to show up in the same classroom, thus allowing for additional confrontation. When strikers return, they should be sent to an assembly area until the substitutes are out of the buildings. Generally, strikers should not return to the classroom until the morning following the settlement. This allows the district to notify substitutes and volunteers not to report the next day.

3. Do Not Hold Reconciliation Meetings. There is a natural tendency on the part of building administrators to try and hold mass faculty meetings after the strike to reconcile differences. Experience has shown, however, that such meetings tend to be fraught with difficulty. No matter how long a strike lasts, strikers have lost more than their non-striking peers. One junior high school principal had a faculty party at his home two weeks after a strike to re-establish his "educational family." Two hours after the party started, he had to call the police to break up a fight between strikers and non-strikers.

4. Do Not Differentiate Between Strikers and Non-Strikers. Regardless of the strike settlement agreement, the building administrator is in a position to make life "hard" for employees who went on strike. Principals should be cautioned that the fastest way to divide their staffs is to discriminate against strikers. Building administrators should avoid any jokes or personal remarks about the strike and should do everything possible to treat all employees the same and administer the district policies impartially.

E. EDUCATION AS A RALLYING POINT

Invariably, the first uneasy moves toward conciliation will surface at the building level, requiring encouragement and nourishment from princi-

pals and other administrators. Most frequently, principals have found a renewed interest in educational quality and the curricular elements to be a common ground for mutual decision and action. The education of the district's children is the raison de'etre of all groups.

MANAGEMENT CRISIS SUPPORT TEAM

One method by which employers may be successful in neutralizing regional/coordinated bargaining tactics on the part of the union is having the employer bargaining activities become more coordinated with other districts while continuing to retain local school district autonomy and maintaining the flexibility of individual employer actions.

It is important that employers in a geographical locale share, in a timely manner, overall bargaining strategy and bargaining information, while avoiding a lockstep bargaining approach on every issue, irrespective of its overall impact on bargianing within the geographical locale. Employers within a given geographical area can develop a procedure that better allows them to combat the union's strategy of regional/coordinated bargaining without becoming so formalized as to take on the characteristics of an employer association.

"Geographical areas," as used in this paper, refers to school districts with similar social and economic characteristics.

One procedure for bringing this concept into focus would be the development of a MANAGEMENT CRISIS SUPPORT TEAM. To make this idea operative, the following could be implemented:

1. A sub-committee composed of local board members should be established and kept totally apprised of local and area-wide negotiation developments by the local district's chief negotiator.

2. An area bargaining council should be composed of the chief negotiators of constituent school districts within the appropriate bargaining area to:

   - Review local constituent district bargaining proposals.
   - Develop an area posture on certain board proposals, with the expectation that such proposals will be given priority.
   - Develop an area posture with respect to proposals offered by the union that appear to have region-wide implications.

- Develop a multi-faceted area bargaining approach, including such alternative strategies as the "Early Settlement Approach," the "Comprehensive Demand Approach," and the "Limited Demand Approach."

- Predetermine target districts within the region where efforts will be made to defeat the union's settlement pattern.

- Develop an area information center located, if possible, in the intermediate school district. Such a center should have the capabilities of editing and printing local district newsletters, development of sample press releases and radio spots, and a databank containing an historical file of salary and fringe benefit information and comparisons, as well as current settlement information.

3. Each area bargaining council should establish one or more Management Crisis Support Teams that will be available to provide assistance and support to constituent school districts within the region during the course of bargaining. The Management Crisis Support Team should have among its members an individual with substantial table bargaining experience and an overall grasp of public sector bargaining, an individual knowledgeable in school finance, and an individual with a communications background.

4. The purpose of the Management Crisis Support Team is to provide assistance to the local board and local negotiator. There should be no attempt to replace or otherwise compromise the authority of the local district's negotiations team.

5. The Management Crisis Support Team should be thoroughly versed and prepared to provide assistance in such areas as:

   - Prevailing wage rates, including second and third year rates in multi-year agreements.

   - Types of fringe benefits and contract language that should accompany any such benefits (absence of a specified carrier, prohibition regarding double coverage, and types of insurance offsets).

   - Familiarity with the union's priority issues within the area and the ability to address same by offering local bargaining teams a series of alternative counter-proposals to the union demands.

   - Development of newsletter releases, radio spots, and other aspects of a media campaign.

   - Development and/or review of a local district's strike plan.

   - Development and/or review of the proper utilization of "interim operating procedures."

   - Identification of the procedures on how to suspend fringe benefits and the likely impact of such a suspension on the negotiations process.

- Detailing the factors that need to be considered prior to a local district's asking for a court injunction.

- Advising on how to bargain under judicial influence and mandate.

- Identification of the proper procedure on how to fire striking employees as well as the probable impact of this course of action.

6. The Management Crisis Support Team should be available for use at any time during the bargaining process. Specific problem areas may well be assigned to the Management Crisis Support Team for the team's thoughtful consideration and recommendation prior to a problem area's reaching crisis proportion.

COMMUNICATIONS PLAN

Strikes are often won or lost in the arena of public opinion, in the ability of one side or the other to convince the community that its position is right. Public opinion is formed and then channeled by the media's reporting of negotiations events and through open lines of communication between the local board of education, the administration and the community. Timely and accurate communication increases the likelihood of good, quick decisions and establishes the cornerstone of an overall bargaining strategy designed to help the board shape bargaining events, as opposed to being shaped by them during the course of a strike. Poor, tardy communication means confusion, possible chaos and diminishes the bargaining position of the district in the eyes of the media, the community at large, students, parents and employees.

It is important to realize that once a strike, or the events immediately preceding a strike, begins to unfold, the local district ceases to engage the local teacher organization and begins to deal with state and national employee unions. The unions' strategies and overall communication plan is implemented by professional union agents, augmented by dollars, how-to manuals, and preprinted bulletins.

The union professional will try in every way possible to divide the board, turn the board against the administration, and to discredit board bargaining positions with the community.

The board with a well-planned program of communication can, with proper implementation, neutralize the union's effort to manage the media and the news surrounding the strike. The purposes of a district's communication plan, as a tool of the negotiations process, are essentially the same as the general purposes which govern the communication plan of any

organization: to explain its policies and decisions and to make known its services. In other words, the successful execution of a communications plan will cause people and, it is hoped, certain agencies and organizations which influence people to react positively to the management position.

The communications plan must provide administration and the negotiating team latitude in decisionmaking regarding the negotiations process and disclosure of information about the process.

A. COMMUNICATIONS PLAN DEVELOPMENT

1. When Will the Communications Plan Begin and When Will it End?

Each board of education will begin its communications plan at different times of the year. Many boards begin their communications calendar by announcing the appointment of their negotiating team. In general, the communications plan ends upon ratification of the contract by the board. The final news release will give credit to each side for negotiating an agreement.

The communications calendar should be developed early in the negotiations process. It is very important that the board of education, administration and the negotiating team work together in the development and implementation of this calendar.

A board of education might initiate its communications plan by announcing the appointment of its negotiating team. This should be done at a regularly scheduled board of education meeting.

. Exhibit 1. Suggested Board Resolution for Adoption at the Commencement of Negotiations with the Union.

"WHEREAS the Education Association has notified the Board that it is ready to begin negotiations for a new Master Agreement to replace the present Master Agreement, which expires on Labor Day, 198__; NOW THEREFORE, be it known that the Board of Education resolves:

To enter into negotiations with the ___EA in a cooperative spirit in an effort to settle all differences in a fair manner, while keeping the needs of the community and its children foremost in our minds.

We also wish it known that we, as a board of education, will provide our negotiations team with guidelines, parameters, and goals that we believe will result in a fair and equitable Master Agreement. We also wish it to be known that we as individuals and as a board of education conduct negotiations for a new Agreement only through our negotiating team. Our team has the full authority to speak for us at the negotiating table and we shall not weaken our position through individual discussions of negotiations with any person or group.

We sincerely hope that an equitable agreement can be reached

in a cooperative manner which still will preserve the board's responsibility to manage the school district for the citizens and children and at the same time provide fair wages, hours and working conditions for our teachers."

2. Audience Analysis: With Whom is the Board of Education Trying to Communicate?

In developing a communications plan, it is important to remain keenly aware of the variety of audiences with whom you are communicating. In packaging the board of education bargaining message, keep in mind that the primary interests of community members at-large are often different from those of the community member who is also a parent of children of the school district. The principal interests of both of these groups may be distinguished from those of district employees, who are not members of the striking bargaining unit.

For purposes of general classification, a district's bargaining audience can be divided into an internal audience (including administrative staff, employees directly affected by the contract under negotiation, and other district employees) and an external audience (including parents, students, citizens at-large, community organizations, and community leaders).

In every community, there are individuals, service clubs, and others who are viewed as opinion makers. These individuals and/or organizations can play a critical role in the district's communication network.

- Plan a public information center--its whereabouts, its staff, and its equipment. This center should be placed in the hands of a trained public information coordinator. (If your district lacks such expertise within its own management staff, borrow a specialist from another district or hire a consultant.) Designate one public spokesperson representing the board and insist that all statements (verbal or written) be coordinated with the board's negotiator and vice versa.

- Plan an internal communications center--its whereabouts, its staff and its equipment.

  The coordinator of this center--a management person--should be charged with devising an advance plan for internal communications during the strike. A back-up telephone system will almost certainly be part of the plan, and you might find it useful to have individual telephones installed in the automobiles of your board president, superintendent, and other key management officials of your district. Direct your coordinator to submit an advance plan for administrative staff briefings during the strike (they may be a daily necessity).

  Above all, make sure that plans call for the center to be a two-way operation--one that collects as well as dispenses information during the strike.

. Have a comprehensive security plan in place well in advance of the anticipated strike date.

All persons and services connected with school operations during the strike will need the protection that this plan must ensure. Do this:

a. Engage in extensive advance planning with your police and fire officials, your utility and service companies, and other agencies that affect operations within the schools. (Does the public library, for example, conduct programs within your curricular structure?) You will need to know what to expect from each; each will need to know what can be expected from the other; and all of them will need to know what each can expect from you.

b. Augment regular police and fire protection by hiring a private security firm to protect your personnel, buildings and equipment on a 24-hour basis. Don't skip this provision. While your regular police and fire officials generally can be counted on for protection (they have the same responsibility as you to uphold the law), a strike may place too great a demand on a small or undermanned force.

. Exhibit 2 is provided as an example of a tool which might be utilized in the identification of key community leaders.

_____ School District

SPECIAL MEMORANDUM

To: All Principals

From: Director of Information Services

Date: _____

Note: This request is being sent marked "Personal" for confidential reasons. Please respond to this request personally and confidentially.

During the summer months, various negotiations teams representing the board of education will be dealing with five different employee bargaining units. Being able to report the progress of negotiations is important but difficult during the weeks that schools are not in session.

To make this communications process as effective as possible at the "grass roots" of our community, a part of our plan is to communicate regularly with KEY citizens in the school district.

Please help me develop such a list of KEY people by

sending me a list of about 10 people (with names, addresses, and phone numbers) in your school area that you believe to be influential among neighbors and friends.

Once you have developed this list, decide who, in your opinion, is the most influential and mark that name on the form I have included.

Please do not contact the people on the list you send me. We will do that at an appropriate time.

Thanks for your cooperation in this important matter."

. . . . . .

RETURN TO INFORMATION SERVICES

School: _____

KEY SCHOOL AREA LEADERS

	Name	Address	Phone
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

MOST INFLUENTIAL KEY LEADER

_____

_____

. Exhibit 3 is provided as an example of a letter which might be sent to such leaders, once identified.

SAMPLE LETTER TO PARENT LEADER

_____ School District

May _____

Dear Parent Leader:

Because the board of education negotiations teams are bargaining with five different employee units this summer, we feel that it is very important to keep parents of _____ School District pupils informed about the progress being made in negotiations.

Toward the end of the school year, I asked principals to send me names of parents who are active as leaders at their schools. That is how we received your name and that is why we are beginning now to send information to you about the status of negotiations with each bargaining unit. Enclosed with this letter is a news release which will serve as a brief report to you.

In future weeks, we will send new, updated reports to you and we hope you will help us keep our community informed by sharing this information with friends and neighbors.

If at any time you want further information, please call _____ and I will either answer your questions myself or have you talk with someone else who can do so.

It is our hope that agreement will be reached with all units well in advance of the opening of school, and we want to keep you informed as progress takes place."

Sincerely yours,

_____
Director, Information Services

3. Message Content: What Does the Board Intend to Communicate?

In developing a communication message, the board wants to be ever mindful of the audience it is addressing. Within certain parameters, the message delivered should be tailored to the targeted audience. The school parent might well be approached differently from the community member who does not have children in the schools. In all district communication, there must be a strict adherence to the facts. In preparing message content for different audiences, the question becomes which facts or issues will be emphasized for the specific audience.

A portion of the board's initial communication should be devoted to introducing the publication, its central purpose and a publication schedule.

. Exhibit 4

UPDATE: A public report on employee contract negotiations from _____, chairperson, employee relations committee, _____ Board of Education

Number 1 June 20, 19___

WHAT THIS PUBLICATION IS ALL ABOUT

Students and teachers have gone on vacation, but much will happen this summer in the way of school news. For the first time in history, the _____ Board of Education is bargaining simultaneously with four separate labor units.

NEGOTIATIONS WILL CONTINUE THROUGHOUT THE SUMMER, OR UNTIL AGREEMENT IS REACHED.

Many issues will be discussed which will have an impact on the entire community. Because of the public's great interest in negotiations, as chairperson of the Employee Relations Committee, I will be issuing regular summaries to the public from the Board of Education. This is the first of weekly bulletins that will be distributed to the media and throughout the community. Copies will be available at the main public library and its branches. A telephone "hotline" also will be maintained at the Administration Building to give callers information about bargaining sessions. Its number is _____.

. Exhibit 5. An example of what can be put on the tape phone message (hotline):

"This is the _____ School District negotiations report for Tuesday, September 4,--4:00 p.m.

_____ teachers voted early this morning to go on strike rather than return to work without a new contract agreement.

State Mediator _____ has asked to meet separately on Thursday or Friday with the negotiating teams for the _____ and the Board of Education. The purpose of these sessions is to provide an opportunity for the mediator to review the positions on both sides. The two teams will return to the bargaining table at 4:00 p.m. this Friday and will meet under the direction of the State Mediator.

The strike by the teachers bargaining unit will not have any effect on the Adult Education program sponsored by the _____ School District. That program will continue as scheduled."

4. Before a Crisis

. Have a well-defined crisis communication plan, with channels of responsibility clearly stated.

- Be sure media people know the district spokesperson and the district spokesperson knows the news representatives.

- A well-established reputation for dealing honestly and fairly with the media pays big dividends in a crisis.

- Your crisis plan should have an information gathering network and a central collection point.

5. During a Crisis

   - Gather facts, prepare materials and take the initiative with media representatives (you have greater credibility by going to them, rather than waiting for them to come to you).

   - Don't take a definite position on an issue until facts are all collected; in the meantime, be willing to share information.

   - Be willing to admit you don't have all the answers but are committed to work for the solutions.

   - Any released statements (for newspapers, radio, or television) should be written and then carefully read in an interview. An impromptu, ad lib comment to a newsman can be most embarrassing.

   - Avoid getting emotionally involved in the crisis issue; contain yourself to the facts and policy.

   - Leave the prognostication of the issue to others.

6. After the Crisis

   - Evaluate your crisis communication plan with staff, board, and news representatives and make needed changes.

   - Extend thanks to news representatives for their cooperation during the crisis (however, don't publicly rap media people who you felt put the screws to you).

   - Get some rest, have a few drinks and get ready to go around again.

7. Communication Calendar

   - The communication calendar must be detailed in general terms several months prior to the formal contractual expiration date.

The following Exhibit is provided as an example of an overall district communication calendar:

Exhibit 5. Communication Calendar*

Audience	Content Activities and Plans	Media Source/Method	Date
Employees Directly Affected by Agreement	Board goals for negotiations	Board of Education meetings 1. News media reporting 2. Internal publications	April-July
	Communications during negotiations	1. News media 2. Internal publications (special reports as directed by Supt. or board committee on negotiations). 3. Information informally transmitted by building administrators.	August
Other School District Employees	Board goals for negotiations	Board of Education meetings 1. News media reporting 2. Internal publications	April
	Communications during negotiations	1. News media 2. Internal publications (special reports as directed by Supt. or board committee on negotiations). 3. Information informally transmitted by building administrators.	April-July

*Michigan Negotiators Association, Regional/Coordinated Bargaining: Totalistic Perspective.

Exhibit 5 (Cont'd)

Audience	Content Activities and Plans	Media Source/Method	Date
General Public	Board goals for negotiations 1. Presentation at Board meeeting	News Media	April
	Communications during negotiations A. During school year 1) News release as directed by the Superintendent or Board committee on negotiations 2) Special status reports at Board meetings or Information-Study meetings B. During summer months 1) News releases following each session 2) Phone/tape service to news media after each session during latter stages 3) Special releases during bargaining sessions 4) Special news conferences and TV statements (when deemed appropriate by the Superintendent or Board Committee on Negotiations)	 News Media News Media News Media News Media News Media News Media	 April-July July
School Parents	1. General communications would follow same plan as for general public 2. Special communication of Board goals to PTA/PTO/CIC leadership 3. Indirect sources: school administrators and other school employees 4. Special meetings with parent organization leadership 5. Special mailings to parent leaders	News Media Meeting sponsored by Board Building Administrators and other school employees Sponsored by Board Board meeting summaries	April-July April April-July As needed As needed
Community Organization Leaders	1. General Communication 2. Special presentation of Board goals 3. Special mailings on progress of negotiations	News Media Board sponsored meeting Letters, copies of special news releases	April-July As needed As needed

Exhibit 5 (Cont'd)

Audience	Content Activities and Plans	Media Source/Method	Date
Board of Education	Workshop on negotiations process	With administration	March 29
	Work-study sessions on goals and strategy	With administration	
	Approval of negotiations plan, which includes the Board goals, Board strategy, and the total communications plan	With administration	
	Announcement of the Board's negotiations team	Board meeting	January
	Announcement of the Board's goals for negotiations (These are general goals that fit into the Board's plan)	Board meeting	April 5
	Communications with the Board during negotiations: Direct Reports 1. Checklist of issues in Board material every Tuesday 2. Oral reports in executive session Thursday noon, as necessary 3. Special public status reports as appropriate 4. Special sessions as needed 5. Recommendation of ratification of the agreement Indirect Reports 1. News releases a. Reports on progress and issues addressed. Text of release delivered to Board members b. Special releases during bargaining session. Text of release delivered to Board members 2. Phone/tape messages on progress during latter stages (This is done so any resident may call a number and get an up-to-date reporton recent negotiations developments)		April-July July
School District Administrative Staff	Survey of concerns with present master agreement	Negotiations team	Nov.

. Exhibit 5 (Cont'd)

Audience	Content Activities and Plans	Media Source/Method	Date
School District Administrative Staff (Cont'd)	Presentation of Board goals for negotiations	News Media Internal publications Superintendent's staff meetings	April
	Communications with administrative staff during negotiations		
	Review of negotiations progress	Superintendent's staff meetings News Media Internal publications/ memoranda Special meetings as needed Phone/tape messages	April June July Latter stages

8. Internal Publications

If the superintendent publishes a staff newsletter, the goals should be included soon after they have been adopted.

In communicating with the staff, you can be certain that the board's communique to teachers will be suspect at best, and more than likely viewed as outright propaganda from the bad guys trying to take bread off the teachers' tables. Therefore, some suggested guidelines to follow are:

. If you're thinking about threats and coercion, forget it. To be effective at all, the content must be absolutely factual, lowkey and non-threatening. Don't threaten to fire anyone who strikes, unless you mean to carry through. Threats like these have been made since teacher strikes began, but rarely have they been carried out. What they usually do is solidify the members behind the union leaders and make the rest of your communique meaningless.

. Don't use editorials. A strike may be illegal. If it is, say so. But don't call it "unconscionable," "demagogic," "ruthless," "power mad," "immoral," "scurrilous," or any other dollar-and-a-half words you can think of. Words like these rarely have any impact on employees fighting for their contractual lives, except perhaps to make them chuckle a little. If there is a state law prohibiting school employee strikes, cite it chapter and verse, but don't add your own subjective observations to it.

- If you have rejected certain union demands that now form the principal strike issues, explain why. Employees may be getting an entirely different story from their leaders.

- If you have a problem with the association and its leaders, don't tar all teachers with the same brush. In the emotions of negotiating on the brink of a strike, things can get nasty on either side, but to castigate "teachers" in general for the actions of one or two union officials is to solidify, again, the members behind their leaders. If you feel it's necessary to "get tough" in your communique to staff, be careful to differentiate between the negotiators and the rest of the employees sitting home hoping and praying there won't be a strike.

- Enumerate concessions management has already made. Many times these are considerable, yet they get lost in the glare of the issues that are still unresolved.

- Detail your "last" offer to the teachers' association (remember there is no such thing as a "final" offer) and why, particularly financially, you feel you shouldn't go any further. Employees are taxpayers, too, and away from the heat of the negotiating table, they can look objectively at the financial impact an inflated settlement would have on the community.

- Remember to send the communique to all staff members, not just the employee group threatening to strike. Other employee groups may make up their minds whether or not to cross picket lines based on how you outline your position on the issues at impasse. You might include a non-threatening and matter-of-fact statement that they are expected to work in accordance with their contracts and with the policies of the school district if there is a strike.

- Remember too, that there is a fine line between being argumentative and setting the record straight. Stay on the straight side, even if it pains you to do so. The reader's reaction will depend largely on the tone of the communication. It doesn't pay to berate the honesty of the union leadership, complain about the unrealistic nature of their demands, or question their good faith in bargaining. The effect of those tactics will be just the opposite of what is desired.

INJUNCTIONS

One of the first questions that a board of education has to answer is, "Will the school district operate schools during a strike?" The whole strike plan revolves around how the board answers that question. If it decides to keep school running, the board then must decide to operate with substitutes or to force the teachers off the picket line and into the classroom through a court injunction. If the board decides to seek an injunction, it should immediately obtain legal advice.

Most public school management requests for injunctive relief are not acted upon by the courts. Most judges attempt to play super mediator and to "will" settlements rather than issue an injunction. Some judges have also, during the hearings, found that the board had not bargained in good faith, which "legitimized" the strike.

Another problem with the injunction is that the union can ignore it and it seldom settles the conflict.

A better atmosphere for injunctive relief is when a group of citizens petitions the court for an injunction. These citizens usually blame both the board of education and the union for the strike. The judge then can "take on" both parties because the citizens demanded that school be opened.

To obtain an injunction against an illegal strike, the school employer must show irreparable injury or breach of the peace. This principle was first established in the Michigan case of Holland School District v. Holland Education Association, 380 Mich. 314. A Rhode Island supreme court case, some years after Holland reaffirmed those principles and, in effect, gave public employees a limited right to strike. The case was School Committee of the Town of Westerly v. Westerly Teachers Association, 299 A.2d 441 (1973).

Both the Michigan and Rhode Island courts, by adopting the "irreparable harm" standard as a prerequisite to injunctive relief, have in effect adopted a standard comparable to those statutorily adopted by Alaska, Minnesota, Oregon, and Prince George's County, Maryland; where, in general, the school employees can legally strike if they do not endanger the public health or safety.

The Rhode Island court stated, "We must concede that the mere failure of a public school system to begin its school year on the appointed day cannot be classified as a catastrophic event. We are also aware that there has been no public furor when schools are closed for inclement weather, or on the day a presidential candidate comes to town, or when the basketball team wins the championship.

"We embrace the position taken in School District v. Holland Education Association, 380 Mich. 314,157, N.W.2d 206 (1968) where it was held that the trial court, before giving affirmative relief, should normally conduct a hearing where it would review what has gone on between the disputants, and then determine whether injunction should issue and if so, on what terms and for what period of time."

The AASPA Employee Relations Committee is not recommending that a school district seek an injunction. We are recommending that legal advice be sought and are providing a guide that can be used to prepare for seeking such an injunction.

The following outline is the factual information required to prepare for injunctive action in a teacher strike. Much of the information contained below will be necessary for the preparation and filing of a complaint. Other information, including the identity of potential witnesses, will be needed for presentation at a hearing on a preliminary injunction.

Particularly with respect to irreparable injury, the facts pertinent to each district will certainly differ. The following listing is therefore not meant to be exhaustive. Be sure to explore the full potential impact of a strike on your district.

A. BASIC DATA REQUIRED FOR AN INJUNCTION

1. Name of district
2. Name and title of person signing complaint
3. Name and address of each union involved
4. Names and addresses of union officers for each union
5. Names and addresses of union's bargaining team members
6. Names and addresses of any union field representatives, etc., involved in bargaining or the strike
7. Number and type of schools operated by the district
8. Number of teachers employed

B. ESTABLISH AN ECONOMIC STRIKE

It is important that the strike clearly be identified as an economic strike, one concerned with producing changes in wages, hours and working conditions, rather than an unfair labor practice strike. The following will be useful in establishing this requirement:

1. Determine when the district was notified of the strike; by whom notification was given; who was so notified; and what was said at the time.
2. Assemble all statements made by union bargaining representatives which indicate the reasons for the strike.
3. Collect all newspaper articles, press releases, etc., containing comments made by union representatives, regarding the purpose of the strike.

4. Examine letters, resolutions, etc., sent by the union to their members or others, which explain the purpose of the strike.

5. Have district representatives take pictures of picket signs used by striking teachers, especially those making economic demands.

6. Make a list of both board witnesses and union witnesses who can testify about the above facts.

7. Determine if the union has filed any unfair labor practice charges and gather all available information on charges filed.

C. IRREPARABLE INJURY

To obtain an injunction against an illegal strike, the school employer must show irreparable injury or breach of the peace. Special attention should be given to the impact of a teacher strike for the purposes of establishing irreparable injury in the following areas:

1. Special Education and Vocational Programs. Determine the number of students involved in such programs, the communities served, the types of programs offered and whether state or federal requirements for funding, certification, etc., will be affected by a strike of any given length.

2. Impact on State Funds. If state aid is given to public school districts, based upon student population as of a certain date, it should be determined whether, even if the strike does not last until the student count date, a delay in beginning enrollment and beginning school will have an effect upon the number of students which the district is able to enroll by that date. It should be anticipated that there will be a drop in the number of students if school does not begin substantially in advance of that date.

3. Make-up Days. While class days lost because of a strike can conceivably be made up on Saturdays, or during traditional vacation periods, it may well be that absenteeism among students during these days or lack of student motivation precludes the making up of lost instructional days.

4. Minimum Days of Instruction. Some state laws require K-12 systems to provide a minimum number of days of instruction per year. How each district will make up days lost should be determined and any problems with such make-up days lost should be identified for the courts. Obviously, a strike will have to last a substantial length of time before it is impossible to provide the required amount of instruction days.

5. Impact on Students and the Learning Process. It is anticipated that certain kinds of instruction, mainly science classes with laboratory requirements, possibly the industrial arts or even music education, would be very difficult to "speed up" after relatively short loss of time.

6. Impact on the Community. Determine whether the strike has produced any public response, including letters or phone calls from parents and newspaper articles.

7. Impact on Extracurricular Activities. The most common activities involved here are sports and community education programs provided by the district. It is possible that a relatively short strike could preclude any competition by a secondary school in football or other fall sports.

8. Loss of Support Staff Outside the Bargaining Unit. If schools are not able to function because of a strike for an unpredictable amount of time, the district may well have to lay off secretaries, maintenance personnel, bus drivers and other support staff. The possibility that such employees may seek other work and be unavailable for reopening of school could provide a further basis for showing irreparable harm.

9. Pre-college Testing. A strike which lasts more than a few weeks might well place high school juniors and seniors at a serious disadvantage in taking college aptitude tests. This could have a serious impact on high school students.

10. Student Summer Employment. It must be emphasized that students, especially seniors, rely upon summer employment for future endeavor which could be in jeopardy due to a strike.

11. Any Other Consideration. Each district should review any other factors that may help them to prove that the strike causes irreparable harm.

D. DOCUMENT BARGAINING HISTORY

In opposing an injunction, a union will claim that the board has negotiated in bad faith. Both the complaint and subsequent testimony should contain facts which will demonstrate clearly to the court that the board has bargained properly and done nothing to preclude a court of equity from granting an injunction. The following facts should be obtained:

1. The expiration date of the current contract.

2. The date bargaining began.

3. A complete list of the dates of all bargaining sessions and the length of each session.

4. If mediation has taken place, the date of each mediation session and identity of the mediator.

5. The date of the latest bargaining session.

6. Copies of all written proposals made by both the union and the board.

7. A list of all issues which have been resolved and all issues remaining for agreement at the conclusion of bargaining.

8. Identity of the participant in bargaining who would be the best witness to convey the course of bargaining to the court.

9. If factfinding was offered; the date of the offer to the union; its contents, and the union's response.

10. If an extension of contract was offered, the date of the offer to the union; its contents; and the union's response.

SUMMARY

Job action, workstoppage, withholding of services, sickouts, slowdowns, walkouts, blackboard flu--with apologies to Gertrude Stein, a strike is a strike is a strike. Management must face the fact that strikes will happen and must prepare to counter union tactics with logic and skill. The preceding pages have attempted to list certain strategies which will assist management preceding and during an employee strike.

When management and employees negotiate, management will often be faced by pressure tactics on the part of the employees. This pressure is meant to force management into a bargaining stance more favorable to the employee. Since management cannot predict in advance the moment when a pressure tactic will turn into a strike or workstoppage, it is advisable that management prepare a strike plan prior to negotiations. This strike plan will:

1. provide a contingency course of action regarding the operation of the schools; and

2. provide and instill confidence in the negotiating team and the board of education in conducting the bargaining process; and

3. provide a vehicle for dissemination of board philosophy and objectives to the public.

Although a strike plan may be well conceived and implemented, strikes are often won or lost in the arena of public opinion--in the ability of one side or the other to convince the community that its position is right. Public opinion is formed by the communication received from the board of education. Timely and accurate communication increases public support and understanding, while poor, tardy communication can lead to confusion and possible chaos among the community.

The board with a well-planned program of communication can, if the program is properly implemented, neutralize the union's effort to manage the media and the news surrounding the strike. Therefore, the successful execution of a communications plan will cause people and certain agencies and organizations which influence people to react positively to the management position.

If, after all efforts to the contrary, a strike is called by employees, management must prepare to enact the previously approved strike plan. In order to implement this plan, and keep lines of communication open between management, board of education, media and public, the authors suggest that a strike decision-making center be established. This center should be under the direction of an administrator designated by the superintendent. The superintendent cannot head up the decision-making center as he or she will need to have freedom of movement. This will be the nerve center for the duration of the strike and should be equipped to facilitate around-the-clock staffing: unlisted telephones, two-way radios, beeper units--even food services, if possible,

Additional staff in this center should consist of the most trustworthy employees who can efficiently and expeditiously handle incoming messages and who can be relied upon not to leak information. The decision-making center is the "response" unit for the principals and the "checkpoint" for the board, the superintendent, negotiator, transportation administrator, and the public information officer.

In a work stoppage situation the decision-making machinery MUST work smoothly and communication channels must be kept open.

Finally, if all management efforts toward a negotiated settlement fail, or if public opinion warrants, the board of education may seek an end to a strike situation by means of an injunction. Although injunctions sought by management are seldom granted by the courts and seldom obeyed by unions, the authors suggest that an injunction is one tool management can utilize when faced with a work stoppage.

The impact of a strike by school employees, especially teachers, is far reaching. The board of education and the chief managers of the school district should be prepared to counter such a strike by all legal and logical means. While the authors do not intend this manual to be the strike plan, it should serve as a guide for all personnel administrators in preparing those measures which will enable boards of education to fulfill their chief objective: the responsible operation of a school district.

EXHIBITS

BOARD RESOLUTION TO DISCIPLINE EMPLOYEES

WHEREAS, the teachers employed by the _____ school district have failed and refused to present themselves to assume and perform the duties and responsibilities of their employment from _____ __, 19__ to the present; and

WHEREAS, the teachers may be involved and participating in a voluntary and concerted work stoppage for the purpose of inducing, influencing or coercing a change in the conditions or compensation of the rights, privileges, or obligations of employment, all in violation of State Law; and

WHEREAS, this Board of Education is resolute in its intent to provide instructions to the students of this school district:

THEREFORE, BE IT RESOLVED, that the Superintendent of Schools be, and hereby is, directed to notify each teacher of the schools by registered letter or other form of communication reasonably calculated to provide actual notice that he must present himself to his assigned building principal fully prepared to commence satisfying his teaching responsibilities no later than the start of the school day, _____ __, 19__.

BE IT FURTHER RESOLVED, that the Superintendent of Schools shall further notify each teacher that the teachers' failure to report for work from _____ __, 19__, through the present and a continuance of such failure through _____ __, 19__, at the normal starting time, will result in termination of employment with the school district. However, said notice shall in no manner be interpreted as a condition precedent to the termination of any teacher.

BE IT FURTHER RESOLVED, that the Superintendent of Schools be, and is hereby authorized to perform such acts and make such communications as she/he deems reasonably necessary to effectuate this resolution:

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Dated:

SAMPLE LETTER TO TEACHERS WARNING OF DISCIPLINE FOR STRIKING

September __, 19__

Dear Teacher:

As you are well aware, all teachers were scheduled to be present on September __, 19__, for the commencement of the school year. Unfortunately, many of the teachers were not present as they were participating in an illegal strike called by the _____ Education Association.

The Board adopted a school calendar on _____ __, 19__, based upon a tentative agreement with the Association which established today as the opening day of school for teachers.

Although the School District has been unable to successfully conclude a new collective bargaining agreement with the _____ Education Association prior to the strike, the School District is hopeful that the continuing negotiations will be promptly concluded to the benefit of both the District and the teachers. In order to assist in this effort, the Board has instructed its counsel to immediately seek fact-finding on the outstanding bargaining issues as provided by law. The Board and administration continue to pledge their best efforts in regard to this continuing attempt to reach resolution.

However, the Board is concerned about whether you have been fully advised of the personal jeopardy to which you are subject if you participate or otherwise support this strike. Regardless of what you may have heard to the contrary from any source, strikes by public employees, including teachers, are absolutely prohibited by law.

The Board is gravely concerned with the negative impact the illegal work stoppage is having in our District and is prepared to utilize all legal remedies available to end the work stoppage and provide the necessary education to its students. The Board cannot and will not condone the unlawful activity on the part of its professional staff.

Therefore, you are directed to immediately report for work scheduled. Be further advised that your failure to immediately present yourself for work shall constitute evidence of your individual support and participation in the illegal work stoppage. Be assured that the Board will take the steps necessary to effect the discharge of any teachers who fail to comply with this directive.

The Board regrets having to issue this notice, but we feel an obligation to make certain that all teachers currently employed by this District have a complete understanding of the gravity and consequences of the present situation.

We are confident of your reasoned judgment in this matter and accordingly expect that you will immediately report for work as herein directed. This notice is being given to you pursuant to a unanimous Board resolution adopted at the conclusion of the Board meeting this evening.

Very truly yours,
BOARD OF EDUCATION

President

STRIKE CHECKLIST

Before the Strike

- check state laws regarding work stoppages
- check district policy on work stoppages
- prepare multiple sets of mailing labels
- draft letters to parents, teachers and other school employees
- notify local, state agencies (fire, police, State Department of Education) of a work stoppage possibility
- notify news media of a work stoppage possibility
- notify transportation service, school suppliers
- prepare lists of available sutstitutes
- prepare the area designated as Decision-Making Center (telephones, beepers, two-way radio, typewriters, etc.)
- brief building principals, central office administrators, board members on strike plan
- check over building strike plans with principals (master keys, duplicate attendance registers, spare projector bulbs, heating and lighting systems, security arrangements, etc.)
- establish an "on strike" signal and a communicating system for this signal

During the Strike

- implement strike plan
- notify all groups
- begin Decision-Making Center operations
- check staffing needs (daily)
- institute legal action (if appropriate)
- check attendance (daily)
- check building conditions (daily)
- check picket line actions (frequently)
- prepare and continually update "conditions" reports
- prepare and continually update media statements (semi-daily)
- hold daily briefing sessions with all administrators
- visit schools to maintain morale and visibility for non-strikers, principals, and check conditions firsthand
- maintain both formal and informal contacts with teacher leaders to end strike

BLACKBOARD FLU
(Concerted Action--Mass Sickout)

Suggested Board Procedures and Arrangements

1. Make selected/random house calls.
   - Use Administrators, Doctors, Nurses
2. Discipline violators--issue minimum of written warning
   - Violation of contract article
   - Falsification of reason for absence
3. Require doctor's written statement--nature of illness and date. Written verification of reason for absence signed by the teacher.
4. Deny pay to all absent teachers.
5. Operate affected school or schools, if absences are "selective."
6. Issue strong board statement identifying "mass absences" for what they are.
   - Illegal
   - Falsified information
   - Form of concerted action (prohibited by contract article or board policy).
7. Special substitute program (notification of) if blackboard flu is experienced.
   - Use administrators to cover classes (schedule an assembly).
8. Teachers who did not call in their absence, personally, should have their absence verified by further investigation. Have an established information form to use when a discussion of the absence is conducted with the teacher.
9. Interview all teachers who were absent.